IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.7373 OF 2006

Courier Publications Pvt. Ltd.
& Anr. .... Petitioners
Vs.
State of Maharashtra & Ors. .... Respondents

Sarvasri Mihir Deshmukh with Mustafa Kachwala
i/b M/s. Khaitan & Jaykar for the Petitioners.

Shri A.P. Vanarse, A.P.P., for the Respondent No.2.

Shri R.G. Hegde for the Respondent No.3.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: NOVEMBER 22, 2006

P.C:

Heard. Undisputedly, in spite of giving opportunity to the petitioners to put forth their case before the Competent Authority, they had remained absent and, therefore, the concerned Authority had no alternative than to pass appropriate order. It was only after the passing of the said order and issuance of the certificate, that the petitioners had sought to file an application for re-hearing of the matter. Even in the application for re-hearing of the matter, only point which was canvassed is regarding the pendency of the criminal case for alleged misappropriation. Nothing was disclosed as to how the claim for gratuity cannot be entertained or that no amount towards gratuity payment

was due and payable to the respondent. Being so, in the absence of prima facie case being made out for re-hearing as well as absolutely no case being made out for the absence before the Authority when the notice was issued for hearing, it is not possible to interfere in the impugned order where the Authority, after taking into consideration whatever materials available before it, has arrived at the finding about the amount being due and payable by the petitioners to the respondent. There being no jurisdictional error disclosed in the impugned order, there is no case for interference in writ jurisdiction under Article 227 of the Constitution of India. Hence the petition fails and is rejected.

(R.M.S. Khandeparkar, J.)

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